

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MARCH 17, 2003

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Vice Chairperson Gary Priebe at 10:00 a.m. on Monday, March 17, 2003, in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

Lisa Davis Cook
Lori Glanzman
Darrell Hanson
Gary Priebe, Vice Chair
Kelly Tobin
Terrance Townsend
Jerry Peckumn
Rita Venner, Secretary

MEMBERS ABSENT

Kathryn Murphy, Chair

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Janice Boekhoff will be giving an update on Beach monitoring during Item 17 General Discussion.
- Postpone Item 10 "Proposed Rule – Chapter 65 – Director's Discretion" until April 21 Commission meeting.
- Add: Change the public participation time for next months meeting to 10:30.

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Jerry Peckumn needs to be added to Members present list.

Lori Glanzman mentioned that on the Title V fee should state \$29.00 per ton, not per title. (pg. 13) Also, admissions should be changed to emissions. (pg. 14)

Motion was made by Kelly Tobin to approve the February 21, 2003 minutes as amended. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Deputy Director Liz Christiansen mentioned that Director Jeffrey Vonk is unable to attend today due to a meeting with some legislators at 11:00 at the capitol. He will be coming out later today if our meeting continues into the afternoon.

INFORMATIONAL ONLY

CONTRACT - U. S. GEOLOGICAL SURVEY FOR GROUNDWATER QUALITY MONITORING.

Mary Skopec, Section Supervisor of the Water Monitoring Section presented the following item.

The Department requests Commission approval of a contract in the amount of \$91,520 with the United States Geological Survey (USGS) for groundwater monitoring activities. This contract continues the cooperative cost-share agreement between the Department and the USGS for sampling of 150 municipal wells for groundwater quality. The sampling gives an indication of the raw groundwater quality prior to any softening, blending, or treatment that may be used by the municipal water utility.

NEED FOR MONITORING:

Groundwater quality is one of the most critical resource concerns in the State of Iowa. A groundwater quality monitoring program provides data to aid State and local management and protection agencies to effectively evaluate the groundwater resources of the State.

OBJECTIVES:

The primary purpose of the groundwater quality monitoring program is to provide consistent and representative groundwater quality data that describe the chemical quality of groundwater resources in the State. Initially, the primary objective is to specifically describe the baseline groundwater quality of the major aquifers in the State that are stressed by intensive use, contamination, or deteriorating quality. Since 1992, the objectives have been:

1. to determine possible trends in groundwater quality, and
2. to correlate the analytical results with primary contributing factors including location, land use, regional groundwater flow, and precipitation.

PROGRESS:

Ninety wells completed in the principle aquifers of the State have been selected for sampling to determine possible trends in groundwater quality. In the past, wells completed in surficial and vulnerable bedrock aquifers were sampled on one- or two-year rotational schedule, respectively. Bedrock wells not vulnerable to contamination were sampled every four years. Since 2000, all ninety wells are sampled each year and are tested for major ions, nutrients, and common herbicides. Additionally, shallow wells (less than 300 feet deep) are sampled for selected priority pollutants, and deep wells (more than 300 feet) are sampled for radionuclides. To

provide better coverage of important aquifers around the state, 60 additional wells from various groundwater sources are rotated in to the network each year. Network data are typically compiled and published in the annual U.S. Geological Survey Water Resources Data, Iowa report.

Funding for this agreement is available from Infrastructure Funds – Environment First Funds.

Appendix A

IDNR – USGS Agreement Budget

Project (Funding Source)	Iowa Department of Natural Resources Payment	United States Geological Survey Match	TOTAL
Groundwater Quality	91,520	91,520	183,040

Janice Boekhoff presented the item for Mary Skopec. She said this contract is just for labor. There is a USGS match on the labor. This is part of a different project that has been going on for several years. We monitor a hundred and fifty wells. There are ninety core wells that are monitored every year and sixty wells that are rotated in and out. We monitor for things like pesticides, metals, and nutrients. This is done once a summer. The towns and wells all vary in sizes. As far as change over in time, I believe they are seeing some. There aren't very many that exceed EPA limits for anything. We have some pesticides and some nitrogen in the water, but they are usually under the limit. This data is available electronically

Motion was made by Lisa Davis Cook to approve the contract as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - NATIONAL SOIL TILTH LABORATORY - NONPOINT SOURCE POLLUTION CONTROL PROJECT

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for a twelve month, \$69,535 contract with the National Soil Tilth Laboratory (NSTL) to provide staff support to the Department for the development of a comprehensive state nutrient management strategy.

The Department is initiating work on a comprehensive state nutrient strategy. This strategy is called for in SF2293 (now codified at Iowa Code Section 459.312) and will be a key element in developing state nutrient water quality standards as called for by the Environmental Protection Agency. Required elements of the strategy include:

- development of a comprehensive statewide nutrient budget;
- assessment of the effectiveness of nutrient control technologies; and
- the development and adoption of a numeric water quality standard for phosphorus. (Note: EPA is asking states to establish state water quality standards for total nitrogen, total phosphorus, chlorophyll a and turbidity)

The development of the strategy will be a multi-faceted, multi-disciplined effort with the Department having the overall responsibility. To assist in assessing the effectiveness of nutrient control strategies, staff assistance from the NSTL is being proposed under this contract. The NSTL will assign a person to work closely with staff on this aspect of the strategy, with this person being located in Department offices in Des Moines.

This contract will be funded with Section 319 grant funds.

Jack Riessen said that this is basically a contract that will bring in a person to help work on the state nutrient strategy. Dana Dinnes has been an employee of the National Tilth Laboratory and we're actually bringing him down to work with us. We will be working on the nutrient strategy. This is a one year contract. We will reimburse National Tilth Lab for his personal cost.

Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE - CHAPTERS 64 AND 69, RENEWAL OF GENERAL PERMIT #4

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be presented with a draft rule that would, if adopted, renew the general permit that authorizes wastewater discharges from private, onsite wastewater treatment systems.

Under Iowa statute, the construction permitting for private, onsite wastewater treatment systems is handled by counties, although the Department establishes the construction standards by rule (Ch 69, Onsite Wastewater Treatment Disposal Systems). However, any discharge to surface waters from private onsite systems such as sand filters and "package" mechanical plants must be authorized by a Department-issued discharge permit that is compliant with the NPDES requirements of the Clean Water Act.

Onsite system discharges are typically handled with a general permit which simplifies the administrative process. Chapter 64, Wastewater Construction and Operation Permits, contains general permit provisions and onsite discharges are covered under General Permit #4. A Notice of Intent is submitted and coverage is obtained without the need for public notice as is the case

for individual permits. General Permit #4 contains various requirements for monitoring and maintenance of onsite wastewater systems.

NPDES permits can not be issued for periods exceeding five years, so general permits must be reissued every five years. The proposed rule would renew General Permit #4, make some changes to the permit conditions (e.g., require effluent sampling for E. coli versus fecal coliform bacteria), and add some definitions to Chapter 69.

Jack Riessen said that this is a draft rule that would basically renew our general permit number 4. NPDES general permit authorizes discharges from private onsite sewage treatment works. This will renew it for another five years. One of the more controversial ones would be to require that the samples from onsite systems be taken by a qualified sampler. That would mean that they would have some type of certification or training. That is another issue that we will have to work through and decide what type of training or programs. What we've had in the past is that a lot of the companies that do maintenance on these systems would often take samples. We've had some problems with qualification samples. Some people really favor this type of requirement and some people don't like it. So this could be a point of controversy. Another alternative that we might want to consider would be some type of certification program. So we're going to put this on the rule making plan to see what type of reaction we will get. It is very hard to get a representative sample. It really doesn't tell you that much as to whether or not that unit is equipped. It's not changing the standard, rather how you test. This will come back for your final approval next month.

Darrell Hanson asked about the second bullet point. You mentioned that you had some incidents of falsifying samples. What is under the current rule is the consequence? What can we do when that happens?

Jack Riessen said that the county is primarily the first line of enforcement. We develop standards and rules but the onsite systems are actually enforced by county officials. That's another issue and how counties enforce that varies from time to time.

Darrell Hanson asked when we have had problems with falsification samples, has it been an employee of the discharging entity or the employee of the county?

Jack Riessen said the few cases that we have known, nothing has actually been proven. If suspected, it would be some of the companies that do maintenance on these systems. We will probably get comments from both ends when this gets brought forth for rule making.

Darrell Hanson asked if you are looking at a qualified sampler, would they still be an employee of the maintenance company?

Jack Riessen said No, nor could it be the home owner.

INFORMATIONAL ONLY

CONTRACT - SOLID WASTE ALTERNATIVES PROGRAM – RECOMMENDATIONS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department received eighteen (18) proposals, requesting nearly \$2 million in financial assistance, for consideration during the January 2003 round of funding. Ten (10) applicant projects were selected for funding. If approved they will receive \$457,188 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Valerie Drew, Theresa Stiner), Iowa Society of Solid Waste Operations (Jeff Dworek), Iowa Recycling Association (Johanna Woelfel), and the Iowa Waste Exchange (Fred Kesten). The table below summarizes recommendations by applicant and project type and by the type of award.

Recommended By Applicant Type	# Awards	Award Amount	Forgivable Loan Portion
Local Government	4	\$169,253	\$80,000
Private For Profit	5	\$282,935	\$115,950
Private Not For Profit	1	\$5,000	\$5,000
Recommended By Project Type	# Awards	Award Amount	Forgivable Loan Portion
Best Practices	8	\$395,319	\$148,550
Market Development	2	\$61,869	\$52,400
Education	0	\$0	\$0
Type of Award	# Awards	Award Amount	Forgivable Loan Portion
Forgivable loan only	4	\$60,950	\$60,950
Forgivable, Zero, 3% Interest loan	6	\$396,238	\$140,000

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding during the January 2003 round of awards.

Attachment

- a) Application descriptions

SOLID WASTE ALTERNATIVES PROGRAM PROPOSAL RECOMMENDATIONS – JANUARY 2003

The Department received eighteen (18) proposals, requesting nearly \$2 million in financial assistance, for consideration during the January 2003 round of funding. Ten (10) applicant projects were selected for funding. If approved they will receive \$457,188 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The following provides a description of each project, the project type, and the amount and type of funding assistance. The descriptions are organized as projects above \$25,000, those \$25,000 and below, and proposals received but not selected.

PROPOSAL RECOMMENDATIONS: ABOVE \$25,000

BEST PRACTICES PROJECTS

East Central Iowa Council of Governments (ECICOG) 108 Third St. SE, Suite 300 Cedar Rapids, Iowa 52401		Forgivable Loan:	\$20,000
		Zero Interest Loan:	\$32,238
		3% Interest Loan	<u>\$0</u>
		Total Award Amount:	\$52,238
		Cash Match:	\$52,912
		In-Kind Match:	\$0
		Local Match:	
			\$52,912
		Total Project Cost:	\$105,150
Project Title:			
Contact: Benton County Recycles			
Jennifer Ryan 319-365-9941 ext.31			
Project Type: Best Practices			
Applicant: Local Government			
Description: On behalf of Benton County, ECICOG is proposing to assist the County in the shift from a county drop-off recycling program to a community based curbside recycling program. In addition, recyclables will be banned from the landfill beginning January 1, 2004. 850 tons are targeted for diversion in the first year. Financial assistance is requested for the purchase of curbside recycling bins, drop-off recycling containers, printing and distribution of education materials.			
Target Area: Benton County			

Midwest Computer Brokers, Inc. 100 Third St. N PO Box 500 Walford, Iowa 52351		Forgivable Loan: \$40,000 Zero Interest Loan: \$155,000 3% Interest Loan: \$0 Total Award Amount: \$195,000
		Cash Match: \$87,500 In-Kind Match: \$498,500 Local Match:
		\$586,000
		Total Project Cost: \$781,000
Project Title:	Expand / Improve Electronics Recycling Process	
Contact:	Dave Long 319-845-2000	
Project Type:	Best Practices	
Applicant:	Private For Profit	
Description:	The applicant is proposing to improve and automate the recycling of cathode ray tubes (CRT) found in computer monitors and televisions. With the new system in place, the applicant will be able to process 800,000 pounds of material annually. Funds are requested to purchase and install an automated CRT recycling system, collection vehicle, educational materials and training.	
Target Area:	State of Iowa	

City of Sigourney 120 N. Jefferson Sigourney, Iowa 52591		Forgivable Loan: \$20,000 Zero Interest Loan: \$16,225 3% Interest Loan: \$0 Total Award Amount: \$36,225
		Cash Match: \$40,000 In-Kind Match: \$14,000 Local Match:
		\$54,000
		Total Project Cost: \$99,000
Project Title:	Expand City Recycling Program	
Contact:	Jim Dickinson 641-622-3080	
Project Type:	Best Practices	
Applicant:	Local Government	
Description:	The City is proposing to improve and expand the existing recycling program through the purchase of a truck and trailer used to collect recyclables throughout the city and through developing and implementing a public education and awareness program lacking in previous years. Equipment upgrades are necessary to facilitate the Pay-As-You-Throw solid waste pricing system, to improve collection efficiencies so as to eliminate the need to interrupt collection routes for off-loading materials before resuming collections.	
Target Area:	City of Sigourney	

Jackson County Conservation Board
201 West Platt Street
Maquoketa, Iowa 52060

Forgivable Loan:	\$20,000
Zero Interest Loan:	\$40,790
3% Interest Loan	<u>\$0</u>
Total Award Amount:	\$60,790

Cash Match:	\$104,351
In-Kind Match:	\$2,750
Local Match:	

\$107,101

Total Project Cost: \$182,391

Project Title:

Hurstville Interpretive Center – Green Building

Contact:

Daryl Parker 563-652-3783

Project Type:

Best Practices

Applicant:

Local Government

Description:

The Jackson CCB is proposing to follow standards established by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Rating System in the design and construction of the Hurstville Interpretive Center near the City of Maquoketa. The interpretive center will serve as an education center with programming and informational displays relating to solid waste issues. Use of recycled materials, geothermal heating and cooling systems, educational workshops for contractors, homebuilders and the public at large, and education curriculums for local schools are a few of the actions and activities to be implemented. Financial assistance is requested for educational displays/equipment and costs specifically associated with recycled content materials and green technology to be implemented.

Target Area:

Jackson, Jones, Dubuque, and Clinton Counties

MARKET DEVELOPMENT PROJECTS

Iowa Mulch 625 49th Street Marion, Iowa 52302	Forgivable Loan: \$40,000 Zero Interest Loan: \$9,469 3% Interest Loan: <u>\$0</u> Total Award Amount: \$49,469
	Cash Match: \$113,249 In-Kind Match: \$ 60,950 Local Match:
	\$174,199
	Total Project Cost: \$223,668
Project Title:	Eastern Iowa Compost and Mulch Education & Market Development Initiative
Contact:	Eric Harbit 319-377-2501
Project Type:	Market Development
Applicant:	Private For Profit
Description:	The applicant proposes to implement a statewide education and market development initiative for compost. The goal is to develop large bulk compost markets for erosion control and storm water management. Funds are requested for education materials development and distribution and labor, a bobcat and berm builder.
Target Area:	Eastern Iowa

PROPOSAL RECOMMENDATIONS: \$25,000 AND BELOW**BEST PRACTICES PROJECTS**

Parker Cassidy Supply Co. 1940 Lincolnway Clinton, Iowa 52732	Forgivable Loan: \$0 Zero Interest Loan: \$2,516 3% Interest Loan: <u>\$0</u> Total Award Amount: \$2,516
	Cash Match: \$1,981 In-Kind Match: \$,535 Local Match:
	\$2,516
	Total Project Cost: \$5,032
Project Title:	Cardboard Recycling
Contact:	Robert Cassidy Jr. 563-242-0683
Project Type:	Best Practices
Applicant:	Private For Profit
Description:	The applicant is proposing to install a baler to capture cardboard from their waste stream and market finished bales. The project replicates a similar process in applicant-owned stores in Iowa City. Funds would be used to purchase and install a baler.
Target Area:	Clinton County store

Hungry Canyons Alliance
712 S Highway 6 & 59
PO Box 189
Oakland, Iowa 51560

Forgivable Loan:	\$5,000
Zero Interest Loan:	\$0
3% Interest Loan	\$0
Total Award Amount:	\$5,000

Cash Match:	\$5,000
In-Kind Match:	\$0
Local Match:	

\$5,000

Total Project Cost:	\$10,000
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Project Title:

Streambed Erosion Scrap Tire Structure

Contact:

John Thomas 712-482-3029

Project Type:

Best Practices

Applicant:

Private Not For Profit

Description:

The applicant proposes to complete Phase II of a research and demonstration project designed to reduce/eliminate the erosion of stream channels using a structure made of scrap tires. Streambed erosion has caused over \$1 billion in damage to infrastructure (i.e. bridges) and the loss of farmland in western Iowa. Phase I, funded through a LAFA award, was performed by ISU to design a control structure using scrap tires for small watersheds to prevent stream bed erosion. Phase II is the implementation stage. Funds are requested for materials and labor in construction of the control structure and to develop a design manual to assist county engineers and the NRCS implement similar structures in the prevention of eroding infrastructure and soil loss.

Target Area:

Demonstration site – Cass County

City of Spencer 418 2nd Avenue West Spencer, Iowa 51301	Forgivable Loan: \$20,000 Zero Interest Loan: \$0 3% Interest Loan: \$0 Total Award Amount: \$20,000
	Cash Match: \$205,588 In-Kind Match: \$0 Local Match: \$205,588 Total Project Cost: \$225,588
Project Title:	Recyclable Materials Sorting System
Contact:	Dean Torreson 712-580-7200
Project Type:	Best Practices
Applicant:	Local Government
Description:	The City of Spencer is proposing to modify a building and purchase and install equipment to sort and process recyclable materials. Financial assistance is requested for the purchase of a conveyor system. Recyclables will then be transported to a local recycling vendor for marketing. The applicant will add magazines and mixed office paper to the list of commodities currently recycled and increase tonnage from 400 tons to 600 tons annually. Recyclables will no longer be transported to NWISWA in Sheldon for processing as Clay, Emmet, Palo Alto, and Pocahontas Counties are forming a new solid waste planning area, initiating operations beginning July 1, 2003.
Target Area:	Clay County

Brinck Lumber, Inc. 11901 107th St. PO Box 404 Burlington, Iowa 52601	Forgivable Loan: \$23,550 Zero Interest Loan: \$0 3% Interest Loan: \$0 Total Award Amount: \$23,550
	Cash Match: \$8,690 In-Kind Match: \$91,100 Local Match: \$99,790 Total Project Cost: \$123,340
Project Title:	Pallet Refurbishing Efficiency Improvements
Contact:	Bruce Morrison 319-752-3831
Project Type:	Best Practices
Applicant:	Private For Profit
Description:	The applicant is proposing to upgrade and improve their existing labor-intensive system for pallet dismantling and board recovery and install an additional loading dock. Financial assistance is requested for the purchase of new saws and conveyors and construct a loading dock. With improved automation, the applicant is anticipating increasing recycling to 75,000 pounds per week.
Target Area:	Eastern Iowa

MARKET DEVELOPMENT PROJECTS

Eagle Sanitation, LLC
dba The Trash Man
1812 W. Second St.
Webster City, Iowa 50595

Forgivable Loan: \$12,400
Zero Interest Loan: \$0
3% Interest Loan: \$0
Total Award Amount: \$12,400

Cash Match: \$12,400
In-Kind Match: \$0
Local Match:

\$12,400

Total Project Cost: \$24,800

Project Title:**Regional Organics Composting Facility – Feasibility Study**

Contact: Neil Wright 800-944-1118

Project Type: Market Development

Applicant: Private For Profit

Description: The applicant is proposing to study the feasibility of a regional organics composting facility. Targeted materials include yard waste and other organic waste generated in the region. If the feasibility study shows profitability, the applicant will move to the design and construction phase. Funds are requested for conducting the feasibility study.

Target Area: Hamilton, Wright, and Hardin Counties

PROPOSALS RECEIVED, NOT RECOMMENDED

Clark's Saw Mill
12291 Mink Blvd.
Bloomfield, IA 52537

Total Amount Requested: \$94,000

Project Title: **Wood Waste Pellets**

Contact: Stephen Clark 641-459-2223

Project Type: Market Development

Applicant: Private For Profit

Description: To begin manufacturing and marketing wood pellet fuel for use in wood burning stoves from sawdust generated by their milling operations and mills from the surrounding area

Cox Sanitation and Recycling
2226 335th Street
P.O. Box 208
North English, IA 52316-0208

Total Amount Requested: \$486,750

Project Title: **Alternative Diesel Fuel Demonstration**

Contact: Ron Cox 319-664-3817

Project Type: Best Practices

Applicant: Private For Profit

Description: To demonstrate the use of expended restaurant cooking oil and used motor oil as an alternative to diesel fuel

OrganiSoil Ltd., LLC 1701 S. Eisenhower Mason City, IA 50401	Total Amount Requested: \$103,700
Project Title: Organic Solids Recovery and Reuse Contact: Michael Deets 641-424-1511 Project Type: Market Development Applicant: Private For Profit Description: Conduct a market feasibility study for an organic fertilizer blending agricultural byproducts with organic waste currently land filled (tree trimmings, lawn clippings, other yard wastes, and paper products)	
Ag Bio-Power, LC 2215 320th St. Toledo, IA 52342	Total Amount Requested: \$13,000
Project Title: Gasification of Solid Waste Incinerator Emissions Contact: Sam Thiessen 303-841-1993 Project Type: Best Practices Applicant: Private Not For Profit Description: Demonstrate improvements to emissions of a solid waste incinerator by gasifying emissions prior to release	
Lear Corporation 2500 Hwy 6 Iowa City, IA 52240	Total Amount Requested: \$150,000
Project Title: Electrostatic Painting Contact: Dave Neipp 319-338-9281 ext.237 Project Type: Best Practices Applicant: Private For Profit Description: Company proposes to overhaul their paint lines as a means of increasing paint transfer efficiency and reducing paint related wastes.	
1-800-Got-Junk 2953 Brady Street Davenport, IA 52803	Total Amount Requested: \$52,937
Project Title: Household Paint Collection Program Contact: Trent Lorfeld 563-529-2982 Project Type: Best Practices Applicant: Private For Profit Description: To test the viability of adding curbside household paint waste collection to their current service of collecting construction and renovation debris, old furniture, and appliances from households for recycling and disposal	

Agren, Inc. 1238 Heires Avenue Carroll, IA 51401		Total Amount Requested:	\$49,643
Project Title:	Iowa Farm*A*Syst		
Contact:	Jamie Ridgely 712-792-6248		
Project Type:	Education		
Applicant:	Private For Profit		
Description:	Outreach to rural residents on hazardous materials management for farm and home. <i>Project was funded through the Household Hazardous Materials General Awareness grant program.</i>		

Rainbow Services 404 N. Forest Avenue Ottumwa, Iowa 52501		Total Amount Requested:	\$183,750
Project Title:	Barrel Recycling		
Contact:	Ben Fuhs 641-683-1886		
Project Type:	Best Practices		
Applicant:	Private For Profit		
Description:	Project involves improvements to operations for reuse or recycling of plastic, steel, and fiber containers (6 oz. to 55-gallon drums).		

Wayne Gieselman said that these are contracts to use money from the solid waste alternative program to grant low interest or forgivable loans to a variety of different proposals. We got 18 different proposals in during January. We had a couple people from the department, one person from the Iowa Society of Solid Waste Operations, one from the Iowa Recycling Association and one from the Iowa Waste Exchange to review these proposals. They recommended ten different projects for approval under this program. There were eight other projects that they didn't recommend approval for. Right now we are asking you to approve the ten listed here for funding for the next year and we did include a summary on those that we didn't recommend approval on.

Terrance Townsend asked about Midwest Computer Brokers and the City of Sigourney. The cash match, local match and total project cost are exactly the same for those two.

Kelly Tobin asked if they knew how they put the tires down in the river or the stream bank? I know that there driving steel down now.

Wayne Giselman said that he wasn't sure how they do that. I know in years past when they used the tires for stream bank stabilization they would cable them down to a huge concrete counter weight.

Kelly Tobin said that he would be interested in any information on that.

Gary Priebe asked when we give a forgivable loan, that money is gone. Where does the money come from to keep replenishing the supply in this program?

Liz Christiansen said that the forgivable loan is usually described as such: if you fulfill the requirements of the contract you are not required to pay that back. We do charge on some of these projects a 3% interest. The overall fund that money comes from is the Groundwater Protection Fund, which comes from the charge of an extra fee on every ton of waste.

Motion was made by Kelly Tobin to approve the contract as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE — RESCIND AND ADOPT NEW CHAPTER 116 “REGISTRATION OF WASTE TIRE HAULERS”

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Attached for the Commission’s consideration as a final rule is a rescission of Chapter 567-116 “Registration of Waste Tire Haulers” and adoption of a new Chapter 567-116 with the same name. The request for action on this rule chapter is to improve the current guidelines and requirements relating to waste tire hauling and disposal services, pursuant to requirements set forth in Iowa Code Chapter 455D.11I.

The chapter for rescission is a direct adaptation of the Secretary of State’s rules formerly contained in Iowa Administrative Code Chapter 721-44 “Registration of Waste Tire Haulers.” Through Iowa Acts 2002, House File 2554, the responsibility for this registration process was transferred to the department as of April 22, 2002. As the Commission may recall, in order to provide continuity in the issuance of registration certificates to waste tire haulers, the commission approved adoption of emergency rules at its June 2002 meeting. At that time, the Department adopted the Secretary of State’s existing rules verbatim with the exception of references to the authorized agency where “Secretary of State” was replaced with the “department”.

In order to improve upon the clarity and effectiveness of the rules, the department sought input from registered waste tire haulers through a “roundtable” meeting with tire haulers in August 2002. The Notice of Intended Action for these rules reflected the work and consensus of these efforts.

A public hearing was held on the proposed rules on January 29, 2003. The department has reviewed all comments received and prepared a responsiveness summary. Based upon comments received, no changes to the rules have been made. Since the Notice of Intended Action for this rule, the department has made one change to the final rule to include a reference

to Iowa Code sections 455B.301 to 455B.307, in order to ensure that authority for enforcement of the rule is provided.

The new rule chapter will complement the Department's continued efforts in improving the effective management of waste tires in Iowa.

Wayne Gieselman said that this has been brought before the commission before. We had a public hearing on January 29. We essentially received two comments. One of the comments asked us to change the designation from a waste tire to a scrap tire. Our response is that it's in the statute and we can't change that, without a statutory change. The second comment dealt with using intermeddle areas or locations where people could bring tires or haulers could collect tires or bring them. All of them on and we rejected that because that is a problem that we have had before. They proposed a limit of 2,500 tires and we start building up tires to 25,000. Without having some registration, we don't know what type and amount we are dealing with. Those were the two comments that we got and we've responded to those comments and we're recommending that the board approve them as we proposed.

Motion was made by Rita Venner to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--AMEND IAC CHAPTER 567-117 "WASTE TIRE MANAGEMENT"

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Attached for the Commission's information and review is a Notice of Intended Action to amend administrative rule chapter 567-117 "Waste Tire Management." The request for action on this rule chapter will allow the department to include appropriate references to enforcement authority and penalties for non-compliance with provisions of this rule chapter, as contained within Iowa Code chapter 455B.301 through 455B.307.

Inclusion of references to these Iowa Code chapters will ensure that the department has the necessary authority to enforce compliance with the rule chapter. These amendments will provide greater effectiveness, clarity, and consistency with legislative intent and statutory authority for waste tire management and regulation.

The commission will be requested to approve this Notice of Intended Action at its March meeting.

Wayne Gieselman said that this is for Waste Tire Management. It is a proposed rule and only changes two very minor references to the code. This is an informational item for you. We have a hearing scheduled for May 6 at the Wallace Building to take any comments that people may have on this. It will be back next month for the Commission's final approval. The enforcement authority is through this department. One of the things we need to change in that section of the statute is so that we give the DNR the authority.

INFORMATIONAL ONLY

CONTRACT – BI-STATE REGIONAL COMMISSION FOR ATTAINMENT OF AIR QUALITY STANDARDS

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to approve the attached contract with the Bi-State Regional Commission for the purpose of promoting activities to ensure the continued attainment of the national ambient air quality standard for ozone in the Quad Cities area. The Bi-State Regional Commission is a Metropolitan Planning Organization and Council of Governments serving five counties and 44 communities in eastern Iowa and western Illinois. The Bi-State Regional Commission serves as staff to the Quad Cities Urbanized Area Transportation Policy Committee's Air Quality Task Force. The Air Quality Task Force is a group that represents municipalities, counties, chambers of commerce, energy utilities, state and federal resource agencies, etc. The Air Quality Task Force has been working to raise public awareness of issues related to ozone and encourage voluntary reduction measures since 1998.

Activities under the contract will include identifying existing voluntary reduction measures and facilitating new voluntary reduction activities, both in the public and private sectors, designed to reduce the emissions of ozone precursor gases. The contract provides funding for the production and distribution of ozone reduction information and education materials to educate local governments and major industries on voluntary ozone reduction planning processes. The outreach will also include educating the general public on the purpose and scope of voluntary emissions reductions.

Funding for this contract will come from a pass through federal 105 grant from the US. EPA Region VII office that has been added onto Iowa's annual federal 105 grant fund. The contract period will extend from October 1, 2002 through September 30, 2003. The EPA grant shall not exceed \$40,000.

Catharine Fitzsimmons mentioned that the Bi-state Commission has gone to US EPA Region 7 and has sought approval for an early reduction program for helping local businesses in the Quad cities area use the funds supporting efforts to reduce ozone. We supported their application for that funding and now that money will pass through our accounts to go to them, because they need the support of our agency to do that. What they'll be doing is putting together educational materials for that project, going out and talking to the larger businesses and companies that emit

nitrogen oxides or organic compounds and helping them understand the need for voluntary early programs to help keep our ozone levels down. Every year we have a couple of exceedences of this standard in that area. We haven't violated the ozone standards there, but we are concerned about what's going on. And, as we have increased growth (which we are experiencing there) we are creeping toward those standards. One of the reasons for going ahead and doing a program like this, then we get EPA approval to do these actions early and then we get credit for having made progress towards solving the problem in the future. One funny thing they talk about for ozone non attainment areas is "reasonable further progress." Annually, you have to show that you've made a 15% reduction toward your goal. If we go ahead and approve this and have them do this work before we go into non-attainment, we would have a step up if we were to go into non-attainment. Otherwise, if people make reductions now we won't get credit for that. So we should move on this now. The Bi-state Commission is in Iowa and Illinois.

Motion was made by Lisa Davis Cook to approve the contract as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACTS - OUTDOOR ADVERTISING CONTRACT WITH CLEAR CHANNEL OUTDOOR (\$45,993.00) 2) OUTDOOR ADVERTISING CONTRACT WITH LAMAR ADVERTISING (\$57,750.00) 3) OUTDOOR ADVERTISING CONTRACT WITH OUTDOOR GRAPHICS (\$4,755.00) 4) RADIO BUYS & ADVERTISING CONTRACT WITH CLEAR CHANNEL COMMUNICATIONS (\$50,000)

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

Over half of Iowa toxic and smog forming pollutants are released from mobile sources. A disproportionate amount of emissions come from vehicles with excessive, visible exhaust. The Smoking Tailpipe program was established to reduce pollution caused from mobile sources. This voluntary, informational program intends to educate Iowans about the health, environmental and economic benefits of proper vehicle maintenance and encourage citizens to report smoking vehicles on a toll free number (1-866-TAILPIPE) and via the Internet (www.iowacleanair.com). Vehicle owners are sent informative, educational materials to help identify probable causes and repairs to make informed maintenance decisions. Often, repairs improve performance, reduce fuel use, extend vehicle life and maintain resale value. Repairs can range from simple, inexpensive filter changes to major work. Repair decisions are voluntary and left to the individual. The DNR is working with outdoor advertising and radio companies to promote program visibility to Iowa motorists and to find auto-repair related sponsors willing to include coupons and discounts for parts and service in the mailings to encourage repair.

Outdoor Advertising

1. Contract with Clear Channel Outdoor
2. Contract with Lamar Advertising
3. Contract with Outdoor Graphics

The department plans to enter into contracts with Clear Channel Outdoor, Lamar Advertising, and Outdoor Graphics for the purpose of promoting the Smoking Tailpipe program with outdoor advertising. The contracts are for advertising during June through August. Clear Channel Outdoor is an advertising company that handles the Des Moines Metro area and will provide rental space and production of 30-plus

billboard posters a month. Lamar Advertising, which owns billboard posters in east central Iowa will provide rental space in eastern counties and Outdoor Graphics will provide billboard rental space in southeastern Iowa.

Activities under the contracts will include identifying and charting locations with high visibility to motorists. Under the contracts, the companies will also be responsible for billboard upkeep and rotation. The contract with Clear Channel Outdoor will provide funding for the production and distribution of poster billboards to Lamar Advertising and Outdoor Graphics. The contracts will also provide all companies with agreed upon rental fees for the outdoor spaces.

Funding for these contracts will come from the Iowa Clean Air Attainment Program (ICAAP) funds. The contract periods will extend from late May, 2003 through August 31, 2003. Funding for the billboard advertising from the ICAAP grant shall not exceed the budgeted amount of \$109,147.50.

Radio Advertising

4. Contract with Clear Channel Communications

The department plans to enter into a contract with Clear Channel Communications for the purpose of promoting the Smoking Tailpipe program with radio advertising. Clear Channel Communications is a national radio and media company with ownership of the Iowa Radio Network and other Iowa stations.

Activities under the contract will include buying radio time, producing radio spots, and providing the department with coupon sponsors. Under the contract, Clear Channel Communications will provide a custom package of advertising during the prime driving times of the day, on various network and non-network stations. These stations will include top stations from the Des Moines Metro area and eastern Iowa markets. This package is designed to facilitate education about the Smoking Tailpipe program with focus on eastern Iowa and the Des Moines market.

Funding for this contract will come from the Iowa Clean Air Attainment Program (ICAAP) funds. The contract period will extend from late May, 2003 through August 31, 2003. Funding for radio advertising from the ICAAP grant shall not exceed \$50,000.

The Commission will be asked to approve these contracts at the April 21, 2003 Commission meeting.

Jim McGraw mentioned that this is an informational item for advertising the smoking tailpipe program. This is a program that is designed to help enhance Iowans understanding of what environmentally and economically vehicle toxic emissions have. A large number of toxic emissions come from mobile sources in the state of Iowa. Basically the smoking tailpipe program is a voluntary educational program that allows us to send out information to the vehicle owners. When a citizen sees a vehicle with a smoking tailpipe they will call our toll free number or visit our website and tell us where they observed the vehicle, the type of vehicle and etc. Then we'll go to the DOT's database obtain a name of the person who owns the vehicle and send them a packet telling them of what the benefits are to them if they go and fix their vehicle. This will obviously decrease the emissions, increase their fuel economy, and increase the lifetime of their vehicle. There are a lot of benefits to repairing their vehicles. That's the whole purpose of this smoking tailpipe program. With our advertising we hope to promote visibility of this program throughout central Iowa and Eastern Iowa. Most of our reports come from central Iowa. We also want to find auto repair sponsors that will donate coupons or discounts for parts and

services. We don't have a number of how many people actually follow up and get their vehicles repaired; we suspect that a lot more people will participate if they had discounts or coupons. This contract will allow us to do that. There are two contracts one for outdoors advertising and the other one is for radio advertising. The outdoor advertising will be done through Clear Channel Communication, LaMar Advertising and Outdoor Graphics. By this we will be able to identify high visibility locations for bill boards. This will be done in the Des Moines metro area, Eastern Iowa and South eastern Iowa. This will run between June and August this year. For radio advertising we will be going through Clear Channel Communications. We will be buying radio time and spots. They will also give us a list of names for coupon sponsors. The radio spots will run on the top stations in the Des Moines area and eastern Iowa, primarily the Cedar Rapids area. They will be running during prime driving times. Morning rush hour and afternoon rush hour. The funding for all of this will be coming from the DOT ICAAP. The Iowa Clean Air Attainment Program grant that we were awarded last year that we have been using to continue our smoking tailpipe program. Outdoor advertising won't exceed about \$109,000 cost and the radio advertising won't exceed \$50,000. The period for the contracts run from May 2003 through August 2003. We intend to come back next month with the actual contracts.

Rita Venner asked when you send out the packet for the person to fix their tailpipe, do you ask for any feedback? So you know if the program is being effective?

Christina Iiams said that we do have a reply card that goes out asking them if they have fixed their car and what kind of repairs were done. We don't see a high amount of turn around in the reply cards being sent back. I think a lot of people aren't real sure if they agree it's their tailpipe or not. When we send our notices out we're not sure if the vehicle is a diesel. So people will respond saying that they drive a diesel and they think that there are no emissions that are coming out from that vehicle. Vehicles include personal vehicles, buses or company trucks.

INFORMATIONAL ONLY

AIR QUALITY - TITLE V FEE BUDGET REVIEW

Wayne Gieselman, Administrator of the Environmental Protection Division presented the following item.

The Commission will be asked to consider the SFY 2004 Title V budget in anticipation of setting the annual Title V fee. The entire Air Quality Bureau budget is provided for your information. Expenditures paid from the Title V fee fund are detailed in the budget. A summary of anticipated revenues is outlined on the final page of the budget. A description of all expenditure areas and funding sources is listed below.

The Title V fee is based on the first 4,000 tons of each regulated air pollutant emitted each year from each major stationary source in the state. The fee is used to support the development and administration of activities associated with major sources subject to the Title V Operating Permit Program.

Annually on March 31, sources required to obtain Title V Operating Permits submit to the Department annual emissions statements for the previous calendar year. The Department totals these emissions and provides that information to the Commission no later than the May meeting. The Commission will then be asked to set the fee based on the program budget.

Title V Budget Changes - Total Title V Fund expenditures are proposed to be increased from the current SFY 2003 budget levels by approximately \$494,000 in the draft SFY 2003 budget. Details on where changes to the budget are being proposed are listed line-by-line in the attached spreadsheet in the "Notes" column. The majority of the increased cost is associated with increased personnel cost for FTE and Professional Service staff.

Balance Forward Funds - The Bureau has been working each year since the program's inception to develop a budget that accurately reflects the amount of funding required to implement the Title V program. The Bureau is estimating a balance carry forward in SFY 2004 of less than \$160,000. This is considered to be an adequate margin to offset factors such as lower than anticipated actual emissions and reimbursement of fees to companies that may have over paid Title V fees in previous years.

Expenditures and Funding - The Air Quality Budget is divided into three primary areas: Air Quality Program, Air Title V Program, and PM2.5 and Air Toxics Monitoring. Expenditures in the two primary program areas (Air Quality Program and Air Title V) are divided between multiple expenditure (cost center) accounts and a variety of funding sources:

Program Area	Expenditures (Cost Center)	Funding Source*
Air Quality Program includes:		
Air Quality central office base program	7220	CAA 105 & GF
Air Quality field office base program	7419	CAA 105 & GF
Air Title V includes:		
Legal Services	1430	TV Fees
Title V Information & Education	1556	TV Fees
Title V Operating Permit Program	7230	TV Fees
Title V Field Program	7421	TV Fees
PM 2.5 and Air Toxics Monitoring includes:		
PM 2.5 Monitoring network	7240	CAA 103
Air Toxics Monitoring network	7250	CAA 103 and 105

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- * CAA 105 - Clean Air Act section 105 grant with a state match required
 CAA 103 - Clean Air Act section 103 grant with no state match required
 GF – Legislatively appropriated General Funds
 TV Fees – Title V fees

Cost center 7260 is funded by a Department of Transportation Iowa Clean Air Attainment Program (ICAAP) grant. This one time grant provides funding for advertisement campaigns to

increase public awareness and participation in the Bureau's Smoking Tailpipe Program. Funding from this grant will be available through October 2003.

Money from the Infrastructure Fund is for the purchase and installation of hydrogen sulfide and ammonia monitors for the confined animal feeding operation monitoring study specified in Senate File 2293. This funding does not affect the Air Quality Program, Air Title V Program, or PM2.5 and Air Toxics Monitoring.

Jim McGraw said this is an informational item. The commission will be asked to consider our 2004 fiscal year modified budget. A copy of the budget is provided, and a review of the qualified fees based on the first four thousand tons of emissions that are emitted for each pollutant from a Title V facility and major source. There are about 300 of those in the state. Basically those fees are used by the department to cover all of our expenses related to regulations of the major sources; construction permitting, monitoring, compliance and enforcement, etc. March 31 we get all of our annual emission reports submitted to us by all of the major sources. We then go through and tally them all up, and look at what our projected budget is for the Title V as a part of the budget and determine what we think the fees should be for that year and that's what we'll bring to the May EPC meeting. For this year the qualified budget changes in the attachment are for \$494,000 increase from what we had last year. I think we have already discussed a lot of reasons for the Title V fee cap and rule making that we did a couple of months ago. They are primarily associated with increases in staff costs and professional services costs. We negotiated an agreement with contract increases. We're also projecting a \$160,000 carry forward for Title V fees. We feel that is a reasonable carry forward considering we have a \$10 million dollar budget total for the air quality program. About 2/3 of that is the Title V fees. A majority of that increased cost carries forward to cover paying back fees to some companies that may have over paid fees for this year or previous years. Our expenditures are primarily for our base air quality program which relates back to minor sources, Air Title V Program, PM2.5 and Air toxic monitoring. Our primary revenues areas come from the Title V fees and section 105 the Clean Air Act and grant funds that come from the EPA every year. We also provide a match for that from our general fund. Our PM2.5 activities are paid from section 103 grant money that we also get from EPA. "Cherity estimate" refers to a another spreadsheet with computer expenses, copier repairs and printers prepared by one of our supervisors – Cherity Gabrielle.

Jerry asked if the Microsoft Enterprise agreement new?

Jim McGraw said that is fairly new. It was to have started this last fiscal year but it hasn't yet. We think we're going to begin this coming year with the ITD. This will be a new licensing agreement. The equipment that we will be spending \$500,000 on will be basically hydrogen-sulfide and ammonia monitors. We will be able to buy about six fixed monitors of each kind.

Catharine Fitzsimmons said that we bought two ammonia monitors and two hydrogen-sulfide monitors with funds directed from the EPA. A special 103 grant and partly from 105 grant. Then we got \$500,000 this past year from the general assembly to begin monitoring hydrogen sulfide and ammonia for a study that they asked us to do. With that we're putting four additional monitors on the trailers and everything that goes with that. We're also buying PDAs (personal assistants) to do the monitoring study. This coming year the general assembly is giving us another \$500,000 to expand the monitoring network. I think we'll be able to put up another 5 or 6 monitoring sites. We are looking for people to volunteer. Sites are at animal feeding

operations, homes, churches, or businesses - any places where people think they are being impacted. I hope this fall we will be able to hear some results from this. We have a summary of the data that we've gotten from the two monitors that we put up before the legislators asked us to start to do it. They're not all sited at residences but are sited outside of animal feeding operations. On one we've had without a dozen exceedences of the hydrogen sulfide standard. We're now just getting the ammonia monitors put in and by the first of April we will have all of the new hydrogen sulfide and ammonia monitors up and running. By this fall we ought to be able to get you some information on that. There are some limitations on the siting of those. Our ambient monitoring staff determines where the monitoring sites will be set up.

Darrell Hanson asked what are the limitations on those sites? Are they too close to the facilities?

Catharine Fitzsimmons said that for our study and for ambient monitoring we're trying to see if there are levels that exceed those standards. Before we had the required study we were trying to get near to those facilities to see if there were any high levels. That was how those two first monitors were originally sited near the largest complex facilities that we could find. We're trying to meet the requirements of that of the legislative language for the study and also operate the two other monitors that the EPA paid for.

Gary Priebe said that you had about a dozen exceedences on this site. Now when the law goes into effect what will happen if they continue to exceed? Do you shut them down?

Catharine Fitzsimmons said that we haven't developed a plan for responding yet. Our interest is looking at who's being impacted. If the monitor is out in the middle of nowhere our response might be to come back and look at the facility and see whether or not it might be impacting at a place where people would be spending a significant amount of time. We want to develop an implementation strategy over the next couple of years. Generally with air quality standards you want to look at at least two to three years of data, because we don't want to have one high year and have people make changes in response to conditions that you won't see again for another ten years. We want to implement strategies that consider where people really are and where they're spending their time. We will be bringing forth in April the final version of our ambient standard for approval and in that we will be describing how in the future we will be bringing forth implementation rules. We will be working with a lot of people to get that developed. It will take a couple of years to do this.

Jerry Peckumn asked if there was a change in legal services? I see it went from \$0-\$83,000. (pg. 125a)

Jim McGraw said that during the fiscal year we had attorney's working on items that dealt with major source and minor source issues. We have two attorney's that work on air issues only. One of them actually works Title V issues, the other one deals with asbestos type issues. That's why it has dropped from \$189,000 to \$94,500. It reflects just one attorney. It's not just their salary, that's all their expenses.

Jerry Peckumn asked about holiday help. It went up from \$22,000. (line item 36c)

Jim McGraw said that we hire an administrative assistance for about ten days during the holiday season to help run the front desk and records. We've hired two Merit Resource people to help enter data. That's where most of that is coming from. Plus we have a full time Olsten person who helps at the front desk.

INFORMATIONAL ONLY

PROPOSED CONTESTED CASE DECISION – MIKE MESSERSCHMIDT

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

On February 14, 2002, the department issued Administrative Order No. 2002-AQ-05/2002-SW-03 to Mike Messerschmidt. That action required him to comply with open burning and solid waste disposal requirements and pay a penalty of \$500. That action was appealed by the parties, and the matter proceeded to administrative hearing on February 18, 2003. The Administrative Law Judge issued a Proposed Decision on February 26, 2003. The decision affirms the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy said that Mike Messerschmidt didn't respond or show up to the hearing. If he wants to appeal he may. If he doesn't appeal the decision becomes final unless the Commission sees something about it the Commission wants to review on its own motion. Mr. Murphy indicated that he didn't think Mr. Messerschmidt had responded one way or the other.

Lori Glanzman said that the only thing that bothers me is that back on the finding of fact. Field Office six got a call back on April 25 and nobody responded on the site until May 11. I don't understand why were looking at a month before we even go talk to this individual.

Mike Murphy said that they try to get out to these within two weeks. I don't know what the circumstances were. They try to evaluate the urgency of the situation.

Gary Priebe said that if we do nothing, it stays.

NO ACTION TAKEN

REFERRALS TO THE ATTORNEY GENERAL

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a) Jeff Reed (Lenox) – underground tanks.
- b) John Jolin, Michael Kolbold (Sioux City) – underground tanks.
- c) Wisconsin North, LLC, K & K Food & Gas, Inc. and Khushal Singh John Flood (Davenport) – underground tanks.
- d) Bulk Petroleum Corporation (Des Moines and Bondurant) – underground tanks.
- e) Dave Paplow (Warren County) – solid waste, air quality, penalty collection.
- f) Lee Buhr, dba Meadow Mist Motel and Park View Motel (Oelwein) – drinking water.

ITEM A JEFF REED (LENOX)

Mike Murphy said that the first referral is for Jeff Reed. This is a small operator. He hadn't responded at all to the situation that warranted his prompt attention. Once he was notified of the referral, that got his attention and he expressed an interest in working through this. If he doesn't work through it we'll be bringing it back to you for referral. We would like to withdraw this case for referral.

WITHDRAWN

ITEM B JOHN JOLIN, MICHAEL KOLBOLD (SIOUX CITY)

Mike Murphy said this one involves the underground tanks with John Jolin and Michael Kolbold. A property audit in 1994 disclosed there was some contamination problems at the site and they want to know. that the department directed Mr. Jolin in 1993 and 1999 to permanently close the tanks and do soil and groundwater testing and he failed to respond, even after his order in 2002. Apparently they did remove the tanks but they didn't do the site testing. There was no response to the order or proposed referral.

Lori Glanzman asked that if John Jolin still holds the legal title why is Michael Kolbold being pulled in here?

Mike Murphy said that Mr. Jolin sold it on contract in 1999 and Mr. Kolbold was operating it. Both of them owned or operated it during these times/

Motion was made by Darrell Hanson to refer Mr. Jolin and Mr. Kolbold as presented in Item b. Seconded by Jerry Peckumn. Motion carried unanimously.

REFERRED

ITEM C WISCONSIN NORTH, LLC, K&K FOOD & GAS INC. AND KHUSHAL SINGH JOHN FLOOD (DAVENPORT)

Mike Murphy said this one involves Wisconsin North, LLC, K & K Food & Gas, Inc. and Khushal Singh John Flood. The facilities are in Davenport Iowa. These people did respond to the referral and met with staff two weeks ago. We were debating on whether to hold this one out or not. They made some commitments at that meeting and they've already not followed through with one of those.

Motion was made by Darrell Hanson to refer Wisconsin North, LLC, K & K Food and Gas Inc, and Khushal Singh John Flood as presented. Seconded on Jerry Peckumn. Motion carried unanimously.

REFERRED

ITEM D BULK PETROLEUM CORP. (DES MOINES)

Mike Murphy said that the Bulk Petroleum Corporation is going for referral because of not keeping up their records that demonstrate their compliance with regulations. Two Orders were issued and neither was appealed. The company has followed up and they are doing better with the record-keeping. This referral only involves collection issues. They have been doing the other things that we asked but have not paid the fines. We try to work things out before bringing them up for referral. We do accept partial payments from small companies. We have not heard from them after they informed of the intended referral.

Motion was made by Rita Venner to refer Bulk Petroleum Corp. as presented. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

ITEM E DAVE PAPLOW (WARREN COUNTY)

Mike Murphy said` that Dave Paplow is another open burning and illegal solid waste disposal case in which we have not received any response or appeal of the order. They have not cleaned up or paid the fine.

Motion was made by Darrell Hanson to refer Dave Paplow as presented. Seconded by Kelly Tobin. Motion carried unanimously.

REFERRED

ITEM F LEE BUHR; MEADOW MIST MOTEL & PARK VIEW (OELWEIN)

Mike Murphy said that Lee Buhr operates two motels; Meadow Mist Motel and Park View Motel in the Oelwein area. They both have their own well and water so therefore it's regulated under our Safe Drinking Water Act program. He has now complied with the order for Meadow Mist, except for paying the penalty. On the other one, which is a bit more serious he hasn't done the monitoring and he fails to renew his operating permit or pay his fees. In this case we need to shut him down and collect fines from both cases. He has not been in contact with the department nor is he making this information available to the public.

Motion was made by Lisa Davis Cook to refer Lee Buhr as presented. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
February 1, 2003**

Proposal	Notice to Commission	Notice Published	ARC#	Rules Review	Hearing	Comment Period	Final Summary to	Rules Adopted	Rules Published	ARC #	Rules Review	Rules Effective
Committee				Commission				Committee				
1. Ch. 2 - Public Records and Fair Informatio n Practices (Emission and Effluent Data Definitions)	10/21/02	11/13/02	2097B	12/11/02	-----	12/03/02	1/21/03	1/21/03	*2/19/03		*3/04/03	*3/12/03
2. Ch. 7 - Rules of Practice in Contested Cases	10/21/02	11/13/02	2099B	12/11/02	-----	12/03/02	1/21/03	1/21/03	*2/19/03		*3/04/03	*3/12/03
3. Ch. 20, Ch. 28 - Ambient Air Quality Standards (CAFO)	7/22/02	8/21/02	1876B	9/10/02	9/17, 24, 30; 10/02	10/04/02	*3/17/03	*3/17/03	*4/16/03		*5/13/03	*5/21/03
4. Ch. 22 - Controllin g Pollution - Title V Operating Permit Fees	2/17/03	*3/19/03		*4/08/03			*5/19/03	*5/19/03	*6/11/03		*7/08/03	*7/16/03
5. Ch. 22 - Controllin g Pollution - Title V Operating Permit Fees							2/17/03	*2/17/03	*3/19/03		*4/08/03	*4/23/03
6. Ch. 28 - Ambient AQ Sampling Manual	8/19/02	9/18/02	1990B	10/09/02	10/08, 15, 16, 23/02	11/01/02	*3/17/03	*3/17/03	*4/16/03		*5/13/03	*5/21/03
7. Ch. 61 - Water Quality Standards; Ch. 72 - Criteria for Approval	12/16/02	1/08/03	2228B	2/14/03	2/4-11/03	2/11/03	*3/17/03	*3/17/03	*4/16/03		*5/13/03	*5/21/03
8. Ch. 65 - Animal Feeding Operatio ns - County Constructi on Evaluation Resolutio ns	8/19/02	9/18/02	1989B	11/12/02	10/08/02	10/08/02	12/16/02	12/16/02	1/08/03	2242B	2/14/03	2/12/03
9. Ch. 65 - Animal Feeding Operatio ns - Minimum Separation Distance; Annual Complianc e Fee; MMP Annual Updates;	10/21/02	11/13/02	2101B	12/03/02	12/05/02	12/05/02	1/21/03	1/21/03	*2/19/03		*3/04/03	*3/12/03

Site Inspection; Construction Permit Application Review; (Table 6 Amend- ment); Master Matrix												
10. Ch. 65 - Animal Feeding Operations; Ch. 70 - Flood Plain Development; Ch. 72 - Criteria for Approval (Confinement Feeding Operations on Flood Plains)	12/16/02	1/08/03	2229B	2/14/03	2/3,4,6,7/03	2/07/03	*3/17/03	*3/17/03	*4/16/03		*5/13/03	*5/21/03
11. Ch. 107 - Beverage Container Rules	9/16/02	10/16/02	2049A	11/12/02	11/07/02	11/07/02	12/16/02	12/16/02	1/08/03	2240B	2/14/03	2/12/03
12. Ch. 108 - Beneficial Use Determinations - Solid By-Products as Resources and Alternative Cover Material	11/18/02	12/11/02	2166B	1/07/03	1/08/03	1/08/03	2/17/03	*2/17/03	*3/19/03		*4/08/03	*4/23/03
13. Ch. 109 - Special Waste Authorizations	2/17/03	*3/19/03		*4/08/03			*5/19/03	*5/19/03	*6/11/03		*7/08/03	*7/16/03
14. Ch. 116 - Registration of Waste Tire Haulers	12/16/02	1/08/03	2230B	2/14/03	1/29/03	1/29/03	*3/17/03	*3/17/03	*4/16/03		*5/13/03	*5/21/03
15. Ch. 117 - Waste Tire Facilities (Set-Back Distances)	10/21/02	11/13/02	2100B	12/11/02	12/04/02	12/04/02	1/21/03	1/21/03	*2/19/03		*3/04/03	*3/12/03

Monthly Variance Report						
February, 2003						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Simonsen Industries, Inc.-Quimby	Air Quality		Permit Requirements	Approved	02/17/03
2	West Central Cooperative-Ralston	Air Quality		Permit Requirements	Approved	02/13/03
3	Mount Pleasant, City of	Wastewater Construction	Warner Engineering Associates, Inc.	Directional Boring, Sewer Slope	Approved	02/18/03
4	Sanborn, City of	Wastewater Construction	DeWild Grant Reckert Associates	Sewer Grade	Approved	02/03/03
5	Woodbine, City of	Wastewater Construction	JEO Consulting Group, Inc.	Sewer Grade	Approved	02/03/03
6	Kossuth County-Prairie Creek at 100th Street	Flood Plain	Kossuth County Engineering Department	Percent Length Reduction	Approved	02/25/03
7	Davenport, City of	Wastewater Operation		Monitoring Frequency	Approved	02/10/03

8	Maytag Corporation-Newton	Wastewater Operation	Ray Rusek, Sr.Env.Mfg.Engr.	Monitoring Frequency	Approved	02/03/03
9	Water's Edge Subdivision-Washington County	Wastewater Operation		Monitoring Frequency	Denied	02/07/03
10	Water's Edge Subdivision-Washington County	Wastewater Operation		Sample Type	Denied	02/07/03

Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions

During the period February 1, 2003, through February 28, 2003, 33 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance		Petroleum Products	Mode		Fixed	Pipeline	Railroad	Fire	Other*	
	Total	Agri-Incidents/chemical		Other Chemicals	Transport Facility						
October	55 (73)	4 (9)	40 (51)	11 (13)	18 (28)	32 (36)	1 (2)	2 (0)	0 (2)	2 (5)	
November	57 (72)	13 (8)	29 (49)	15 (15)	18 (28)	36 (33)	0 (2)	0 (1)	1 (0)	2 (8)	
December	40 (57)	2 (2)	27 (44)	11 (11)	12 (22)	24 (28)	1 (2)	2 (0)	0 (2)	1 (3)	
January	40 (81)	6 (4)	17 (59)	17 (18)	12 (21)	24 (53)	1 (0)	2 (3)	0 (0)	1 (4)	
February	33 (62)		1 (4)	26 (44)	6 (14)	10 (20)	14 (37)	1 (1)	5 (2)	0 (1)	3 (1)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	
Total	225 (345)		26 (27)	139 (247)	60 (71)	70 (119)	130 (187)	4 (7)	11 (6)	1 (5)	9 (21)

numbers in parentheses for same period last year)
Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
5	4	4	2	15	3

*Other includes dumping, theft, vandalism & unknown

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period February 1, 2003, through February 28, 2003, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	10 (4)	0 (0)	5 (2)	1 (2)	4 (0)	9 (3)	1 (0)	0 (1)	0 (0)	1 (2)
November	12 (9)	0 (1)	4 (2)	3 (2)	5 (4)	12 (8)	0 (1)	0 (0)	0 (0)	0 (1)
December	5 (3)	0 (0)	1 (2)	0 (0)	3 (1)	3 (2)	0 (0)	1 (1)	0 (0)	0 (1)
January	3 (1)	0 (0)	3 (1)	0 (0)	0 (0)	3 (1)	0 (0)	0 (0)	0 (0)	1 (0)
February	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	1 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	31 (17)	0 (1)	14 (7)	4 (4)	0 (0)	28 (14)	1 (1)	1 (2)	0 (0)	3 (4)

(numbers in parentheses for the same period last year)
Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	0	0	0	1

DATE: March 1, 2003

TO: EPC

FROM: Mike Murphy

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Champion Environmental Services, Muscatine (6)	Air Quality	Asbestos	Order/Penalty \$10,000	2/05/03
Lidderdale, City of (4)	Wastewater	Compliance Schedule; Operational Violations	Order/Penalty \$10,000	2/05/03
Bridgewater, City of (4)	Wastewater	Compliance Schedule	Order	2/05/03
Einck Dairy, Inc.; D & J Pumping, Inc., Winneshiek Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty \$4,000	2/05/03
Alcoa, Inc.; Aluminum Co. of America, Riverdale (6)	Air Quality	Construction Without Permit	Consent Order \$10,000 SEP	2/06/03
Iowa City Ready Mix, Inc., Iowa City (6)	Wastewater	Monitoring/Reporting	Order/Penalty \$1,000	2/10/03
Atlantic, City of (4)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty \$3,500	2/10/03
Peter Cook, DeWitt (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Amendment \$500	2/10/03
Nevada, City of (5)	Wastewater	Discharge Limits; Operational Violations	Consent Amendment \$3,000 SEP	2/14/03
Cargill, Inc., Cedar Rapids (1)	Air Quality	Emission Standards	Consent Order \$1,000 SEP	2/11/03
Natural Pork Production II, Inc. Shelby Co. (4)	Animal Feeding Operation	Application in Excess of Crop Usage Rates	Order/Penalty \$1,000	2/13/03
Dave Hansel, Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan; Record Keeping; Uncertified Applicator	Referred to AG	2/17/03
Trafton Enterprises, Inc.; Harry Trafton; Interstate Lounge, Underwood (4)	Underground Tank	UST Closure	Referred to AG	2/17/03
Van Meter Development Corp.; C. Dave Albright, Polk Co. (5)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Referred to AG	2/17/03
Scooter's Tower Club, Cresco (1)	Drinking Water	MCL – Bacteria; Monitoring/Reporting – Bacteria; Public Notice	Order/Penalty \$500	2/19/03
John and Berniece Danner, Lucas Co. (5)	Wastewater	Operation Without Permit	Order/Penalty \$2,000	2/19/03
Green Valley Mobile Home Park, Mt. Pleasant (6)	Wastewater	Compliance Schedule; Discharge Limits	Order/Penalty \$5,000	2/19/03
Ysselstein Dairy, Inc., Sioux Co. (3)	Animal Feeding Operation	Uncertified Applicator; Land Application Separation Distance	Order/Penalty \$5,000	2/19/03
Fran-Gard Properties, Inc.; Frank Gardner, Cedar Rapids (1)	Wastewater	Stormwater – Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty \$10,000	2/19/03
Daniel E. Wilson, Polk Co. (5)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release; Uncertified Applicator	Order/Penalty \$2,000	2/20/03

March 2003

Environmental Protection Commission Minutes

IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

DATE: March 1, 2003
TO: Environmental Protection Commission
FROM: Michael P. Murphy
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Coralville, City of	WW	3,000	2-11-02
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	2-14-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Days Inn 2 nd Addition (Williamsburg)	WS	10,000	4-07-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Ellis Implement, Inc.; Douglas Shaffer (Coggon)	UT	2,170	6-25-02
Sid's Gas & Groceries (Forest City)	WS	200	6-26-02
Coin, City of	WS	250	6-28-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Leonard Anderson (Linn Grove)	UT	1,160	7-09-02
Mitchell Town Pump (Mitchell)	WS	500	7-09-02
Air Bears II (Thompson)	WS	300	7-13-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Rocky Knoll Mobile Home Park (Forest City)	WS	10,000	8-18-02
Park View Motel (Oelwein)	WS	750	9-06-02

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* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	1,750	9-15-02
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	1,750	9-15-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
#*Mark Pearson (Adams Co.)	AFO	165	9-23-02
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500	10-04-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Braddyville, City of	WW	3,500	10-31-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Thombert, Inc. (Newton)	AQ	2,500	11-14-02
Rayburn Court for Mobile Homes (Mason City)	WS	500	11-24-02
Matter's Ballroom (Decorah)	WS	300	11-29-02
* Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	700	12-15-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
Sanborn P & L, Inc.; Douglas R. Bras (Sioux City)	UT	3,040	1-06-03
Richard Ogden (Manchester)	WS	2,500	1-07-03
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
* George Redman (Mitchellville)	AQ	2,267	1-15-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
# Dave Jones (Union Co.)	AFO	1,550	2-14-03
Monsanto Company (Aplington)	AQ	3,000	2-14-02
* Moonshine Tap (New Hampton)	WS	250	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	1,300	3-01-02
*#Robert Fisher (Hamilton Co.)	AFO	1,100	3-01-03
* Allison, City of	AQ	2,500	3-01-03
* Monte Lapel (Crawford Co.)	SW	325	3-01-03
#*Cedar Valley Egg Farm (Benton Co.)	AFO	2,000	3-01-03
Lidderdale, City of	WS	500	3-04-03
Cargill, Inc. (Cedar Rapids) SEP	AQ	1,000	3-11-03
* Paul L. Nagle (Clear Lake)	AQ	500	3-15-03
Al's Corner Oil Co. d/b/a Sparky's (Bayard)	AQ	1,000	3-16-03
The Sherwin-Williams Company (Decorah) Damages Claim	HC	10,850	3-31-03
# Puck Custom Enterprises, Inc. (Manning)	AFO	2,500	4-04-03
Ames, City of	AQ	5,000	4-07-03
Lidderdale, City of	WW	10,000	4-08-03
# Einck Dairy; D & J Pumping (Winneshek Co.)	AFO	4,000	4-09-03
Bernard H. Cohrs; Cohrs Construction Co. (Dickinson Co.)	AQ/SW	7,000	4-09-03
Atlantic, City of	WW	3,500	4-15-03
* Kiefer Built, Inc. (Kanawha)	AQ	2,500	5-30-03
#*Harold Selim (Union Co.)	AFO	500	6-01-03
* Bog's Bar (Langworth)	WS	200	6-19-03
Midwest Farmers Coop (Sheldon) Natural Resources Damages	WW	75,000	6-30-03
* Quality Mat Co., Inc. (Waterloo)	AQ	2,863	12-15-03
Independence Mobile Home Park (Independence)	WS	800	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Alva Parker (Ringgold/Union Co.)	AQ/SW	10,000	-----
# Carstens Livestock, Inc. (Bagley)	AFO	4,000	-----
Nevada, City of SEP	WW	3,000	-----
Iowa City Ready Mix, Inc. (Iowa City)	WW	1,000	-----
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500	-----
Champion Environmental Services, Inc. (Muscatine)	AQ	10,000	-----
# Ysselstein Dairy, Inc. (Sioux Co.)	AFO	5,000	-----

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# Daniel E. Wilson (Prairie City)	AFO	2,000	----
Scooter's Tower Club (Cresco)	WS	500	----
Fran-Gard Properties, Inc.; Frank Gardner (Cedar Rapids)	WW	10,000	----
John and Bernice Danner (Lucas Co.)	WW	2,000	----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	----

TOTAL 481,685

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Vessel Systems, Inc. (Dubuque)	AQ	10,000	5-31-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
TOTAL		225,654	

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The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Titan Wheel International, Inc. (Walcott)	WW	10,000
Hidden Valley Mobile Home Park (Washington)	WW	200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
* Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Roger Ehlen; Ehlen Develop.; Duane Menke; Negus-Sons (Whispering Woods - Council Bluffs)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Mike Messerschmidt (Martinsburg)	AQ/SW	500
Well's Dairy, Inc. (LeMars)	WW	10,000
William Habhab (Fort Dodge)	SW	1,500
Dennis Frederickson; Mark Frederickson (Cass Co.)	AQ/SW	5,000
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
# Avery Feeder Pig Co. (Humboldt Co.)	AFO	3,000
Wellington Environmental (Davenport)	AQ	4,000
# Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.)	AFO	1,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
Deer Track Subdivision; F & J Enterprises (Mills Co.)	WW	4,000
ITWC, Inc. (Brooklyn)	AQ	7,500
Marion F. Murray; Murray's Transfer & Storage (Davenport)	UT	2,480
Wellington Environmental (Iowa City)	AQ	1,000
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	3,000

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# Doug Wedemeyer (Adair Co.)	AFO	2,500
Waukon Golf and Country Club (Waukon)	UT	2,480
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Caldwell Meats, Inc.; James Caldwell (Marshalltown)	UT	1,990
Walker Brothers Livestock Corp. (Washington)	WW	5,000
# Iowa Select Farms, L.P.; Stockdale Sow Unit (Hardin Co.)	AFO	10,000
Sully Transport; Bice Oil Co.; Tim Bice (Guthrie Co.)	WW/HC	5,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
Lewis Contracting Co.; Randy Lewis (Red Oak)	WW	3,500
Carleton Tansport Service, Inc. (Sioux Rapids)	WW/HC	5,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
Larry Whitehead (Sidney)	UT	10,000
# Donald Kurtenbach (Chickasaw Co.)	AFO	3,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Ankeny, City of	WW	10,000
Diwan, LLC; Ranbir Thakur (Davenport)	UT	10,000
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000
# Doug Osweiler (South English)	AFO	5,000
Interstate Grain, Inc. (Mason City)	AQ	4,000
Cass County; Cass County Engineer	AQ	5,000
Audubon, City of	WW	10,000
C.J. Moyna & Sons, Inc. (Elkader)	WW	10,000
Langman Construction, Inc. (Bettendorf)	WW	10,000
# Ray Slach (Cedar Co.)	AFO	3,000
	TOTAL	465,395

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	500
Monte Lapel (Crawford Co.)	SW	325
*#Jason Strike (Allamakee Co.)	AFO	25
# Mike Coady; Tom Maday d/b/a Silver Lake Finishing	AFO	1,000
* Allison, City of	AQ	500
*#Robert Fisher (Hamilton Co.)	AFO	100
Jolly Roger Recreation and Marine, Inc. (North Liberty)	WW	200
* Paul L. Nagle (Clear Lake)	AQ	100
# John Flood (Wayne Co.)	AFO	1,000
# Dale Winkowitsch (Lyon Co.)	AFO/WW	1,000
*#Harold Selim (Union Co.)	AFO	500
* Bog's Bar (Langworth)	WS	200
*#Roger Bockes, et. al. (Tama Co.)	AFO	100
# Mike Girres (Kossuth Co.)	AFO	2,000
# Natural Pork Production II, LLC (Shelby Co.)	AFO	1,000
*#Jason Strike (Allamakee Co.) PAID IN FULL	AFO	250
Hidden Valley Mobile Home Court (Washington Co.)	WS	263
	TOTAL	9,063

Attorney General Referrals Report

Name, Location, Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
ABC Disposal Systems Hiawatha (1)	Solid Waste	DNR Defendant	Defense	Petition Filed Answer Petitioner's Brief State's Brief Hearing Ruling for State Notice of Appeal	6/26/02 7/17/02 8/30/02 9/18/02 10/07/02 12/26/02 1/28/03
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date	3/20/00 4/19/00 2/26/01 4/20/01 3/03/03
Affordable Asbestos Removal, Inc. Jeffrey Intelkofer Iowa City (6) UPDATED	Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal Court of Appeals Ruling Affirms District Court	12/28/00 1/18/01 7/09/01 7/30/01 2/28/03
Barton, Randy and Theresa Kellerton (4)	Air Quality	Open Burning	Order/Penalty	Referred	10/21/02
Bauer, Michael Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Default Judgment	2/18/02 8/08/02 9/23/02
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	Solid Waste	Solid Waste Violations	Order/Penalty	Referred	5/20/02
BCD Corporation Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Operation Without Permit	Order/Penalty	Referred	10/21/02
Davis, Richard Wapello Co. (6)	Air Quality	Asbestos	Order/Penalty	Referred Petition Filed	8/19/02 11/27/02
Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense	Petition Filed Answer	4/16/02 5/09/02
Hansel, Dave Hamilton Co. (2) NEW	Animal Operation	Feeding Failure to Submit Plan; Record Keeping; Uncertified Applicator	Order/Penalty	Referred	2/17/03
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed Tier I Assessment Completed by New Owner Tier II Assessment in Progress	11/21/94 4/18/96 9/20/96 9/20/96
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)	Animal Operation	Feeding Prohibited Discharge – Confinement	Referred to Attorney General	Referred Petition Filed	2/18/02 2/03/03
Johansen, Don d/b/a Bog's Bar Langworthy (1)	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	11/18/02
Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1)	Drinking Water	Monitoring/Reporting-Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty	Referred	11/18/02
Kelso, John C. Worth Co. (2)	Animal Operation	Feeding Failure to Submit Plan	Order/Penalty	Referred	11/18/02
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition State's Motion for Partial Summary Judgment Order Regarding Partial Summary Judgment	4/17/99 6/01/01 11/08/02 12/16/02

Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date Trial Continued	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	5/21/01
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Reporting; Violations; Operator Discipline	Operational Order/Penalty	Referred	1/21/03
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02
M-F Real Estate, Inc.; Fred Levell Carter Lake (4)	Hazardous Condition	Remedial Action	Order/Penalty	Referred	9/16/02
Mills County Landfill Association Mills Co. (4)	Solid Waste	DNR Defendant	Defense	Petition Filed Intervention by Iowa Waste Systems State's Answer Intervenor's Motion for Summary Judgment State's Resistance Order Denying Intervenor's Motion for Summary Judgment	9/26/01 5/02/02 5/20/02 8/29/02 9/12/02 12/06/02
Mobile World L.C. Clinton (6)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty	Referred	11/18/02
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred Petition Filed Default Entered	2/19/01 3/20/02 11/12/02
Oberly, Marvin Burlington (6)	Wastewater	Operation Without Permit	Order/Penalty	Referred	7/15/02

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Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5) UPDATED	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02
Smesrud, Shannon d/b/a Bubba's Bar & Grill Cresco (1)	Drinking Water	Monitoring/Reporting-Nitrate; Notice	Public Order	Referred	11/18/02
Trafton Environmental, Inc.; Harry Trafton; Interstate Lounge, Inc. Underwood (4) NEW	Underground Tank	UST Closure	Order/Penalty	Referred	2/17/03
Van Meter Development Corp.; C. Dave Albright Polk Co. (5) NEW	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty	Referred	2/17/03
Vessel Systems, Inc. Dubuque (1)	Air Quality	Construction Without Permit	Order/Penalty	Referred	11/18/02
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6)	Underground Tank	Failure to Initiate Corrective Action-CDR	Referred to Attorney General	Referred	10/21/02

Contested Case Status Report

7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler). Site remediation completed. Status report requested from land quality bureau 12/1/99.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wormson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/ HC	Tack	2/03 – Site assessment underway.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	9/12/02 – Tentative penalty settlement subject to correction of recent inspection deficiencies.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/ WS	Murphy	NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	1/02/03 – Settlement reached pending remedial work and withdrawal of appeal.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	2/24/03 – Sent to DIA.

3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	2/28/03 - New facilities are completed. Settlement offer made.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	7/02 - One issue of appeal remains to be settled.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ decision cut penalty in half - remainder of case on appeal with Supreme Court. 2/28/03 - Court of Appeals affirmed order, as modified.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	9/30/02 - Penalty settlement offer accepted. Monthly installments commenced 11/01/02.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance achieved. Penalty settled for \$3,000. Payment plan initiated.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	9/9/02 - Letter received from city engineer regarding compliance schedule and appeal issues. 10/24, 25/02 - Letters received from City engineer regarding appeal and WWTF improvements. 12/02 - WW permit staff requested to draft amended permit to resolve appeal. 1/31/03 - Report on status of permit requested from WW staff.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/ HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 7/02.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 - Decision affirming the order. 5/21/01 - EPC finalized decision. Settled. 8/01 - Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. Second payment received 12/15/02.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit issued 10/24/02. 90-days to complete construction. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established. 5/02 - First two penalty payments received.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	1/28/03 - Second request to Kronlage's attorney for settlement offer.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Settled. Awaiting return of signed consent amendment.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	3/1/03 - Negotiating before filing..

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10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 1/21/03.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/S W	Tack	Default judgment to be entered in favor of Dept. Appeal closed. Penalty due.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	AGP has sold this facility. Checking with new owner regarding interest in appeal issue.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Permit amended to resolve appeal. Awaiting dismissal by Fansteel.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/03 – Negotiating before filing.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	1/25/02 – Dept. settlement offer to City Attorney. 2/1/02 – City Attorney accepted offer. 3/02 – Settled. Consent order to be entered into. 7/1/02 – Dept. letter with consent order to city attorney. 7/22/02 – Consent order signed by Director and issued. 7/29/02 – City attorney sent motion to dismiss appeal to ALJ. 8/5/02 – ALJ issued order closing appeal. Penalty payment due 10/31/02. 2/13/03 – FO4 inspection of City's WWTF. City returned to compliance with consent order. 2/28/03 – Dept. letter to City attorney requesting payment of agreed upon penalty.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiations continue.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/ WW	Tack	2/06/03 – Penalty paid. Tire management plan due 3/1/03.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Tier 2 received – under review.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order. 2/03 – Per FOS project progressing as required.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Compliance completed, negotiating penalty settlement.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/ WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc. 1/31/03 – Status report requested from FOS. 1/31/03 – Facility to re-open under new owners, Iowa Quality Beef, in mid-March, 2003.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	2/24/03 – Settlement offer made.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Midway has failed to sign settlement agreement and is in breach of oral agreement. Hearing held 2/4/03, record open.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Hearing held 2/4/03, record open.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor

						of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/15/01	Trajjet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	2/28/03 – Proposed consent order with attachments sent to facility attorney for review/signature.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	Administrative consent order executed to settle all issues. Appeal dismissed. Awaiting penalty settlement payment.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Hearing continued. Settlement agreement signed. Assessment submitted. Negotiating penalty.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Settled. Penalty payment plan established.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Negotiating before filing.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/08/02	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Requesting additional materials to review.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing continued to 9/19/02 to allow City to submit updated report to Dept. for review. 7/5/02 – Dept. received letter from City attorney and City engineer; under review by WW permits section. Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff.
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	8/16/02 – First penalty payment received. Final payment due 9/15/02.
3/20/02	Mike Messerschmidt	6	Order/Penalty	AQ/SW	Book	2/26/03 – ALJ decision affirms order.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site

Environmental Protection Commission Minutes

March 2003

						testing completed 10/02. Remediation/clean-up scheduled for 2003.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	4/26/02 – Letter sent to company attorney regarding request for stay of order. 5/21/02 – Letter received from company attorney. 6/13/02 – Dept. settlement response to Co. attorney. 7/02 – Dept. letter to Co. attorney. 8/22/02 – Informal meeting held to discuss settlement. 1/27/03 – Revised treatment agreement received from company attorney.
4/30/02	Dennis Frederickson; Mark Frederickson	4	Order/Penalty	AQ/S W	Preziosi	10/04/02 deadline to respond to DNR letter. 11/02 – No response. To be set for hearing.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	Hearing re-set for 4/14/03.
5/02/02	Minden, City of	4	Order/Penalty	WW	Hansen	1/31/03 - Amended order issued to resolve appeal. 2/14/03 - Request for dismissal of appeal from City attorney received. 2/28/03 – Letter to facility.
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	Negotiating before filing.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Negotiating before filing.
5/08/02	Swine Graphics Enterprises, L.P., ADL V Sow Farm	5	Order/Penalty	AFO	Murphy	Hearing set for 4/11/03.
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	Negotiating before filing.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	Will resolve with other Wellington case. Appeal under consideration by Company. Negotiations continue.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Settled. Consent amendment agreed upon.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
6/14/02	Deer Track Subdivision; F & J Enterprises	4	Order/Penalty	WW	Murphy	2/13/03 – Settlement offer.
6/17/02	Allison, City of	2	Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
6/27/02	Northwest Iowa Solid Waste Agency	3	Stipulated Penalties	SW	Tack	9/10/02 – Settlement offer sent.
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	Will resolve with other Wellington case. Appeal under consideration by Company. Negotiations continue.
7/05/02	Marion Murray; Murray Transfer and Storage	6	Order/Penalty	UT	Wornson	Tank closure completed. Negotiating penalty.
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	Partial compliance achieved. Refer to DIA.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/ WW	Tack	9/26/02 – Amended order issued.
7/15/02	Grinnell Properties, Inc.; David Hamilton	5	Order/Penalty	UT	Wornson	Settlement agreement. Hearing postponed indefinitely.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	Negotiating before filing. \$500 penalty payment received for uncontested portion. 12/02 – City requested to submit revised report.

7/22/02	Thombert, Inc.	5	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	Negotiating before filing.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/08/02	Jason Strike	1	Order/Penalty	AFO	Murphy	2/03 – Penalty paid. Case closed.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Compliance initiated.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/S W	Tack	Clean-up under way. Next inspection scheduled for 3/1/03.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	Negotiating before filing.
9/03/02	Peter Cook	6	Order/Penalty	AQ/S W	Book	Negotiating before filing.
10/01/02	Stan Siems	2	Order/Penalty	AQ/S W	Tack	Mr. Siems is scheduling clean-up. Penalty to be negotiated following clean-up.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	Negotiating before filing.
10/21/02	Caldwell Meats, Inc.; James Caldwell	5	Order/Penalty	UT	Wornson	Negotiating before filing.
10/24/02	Harold L. Foster; Carolyn Foster; Glolin, Inc.	4	Order	UT	Wornson	Fosters appealed. Glolin, Inc. and Webers did not. Tank closure completed. Negotiate penalty.
11/04/02	Walker Bros. Livestock Corp.	6	Order/Penalty	WW	Murphy	Negotiating before filing.
11/12/02	Audubon, City of	4	Order/Restitution Claim	WW	Murphy	Negotiating before filing.
11/12/02	Sully Transport, Inc.; Bice Oil Co.; Tim Bice	4	Order/Penalty	WW/ HC	Wornson	Tier 1 completed.
11/13/02	Iowa Select Farms, L.P., Stockdale Sow Unit	2	Order/Penalty	AFO	Murphy	1/10/03 – Sent to DIA. To be submitted to ALJ by stipulation.
11/18/02	Randy Lewis & Lewis Contracting Co.	4	Order/Penalty	WW	Murphy	Negotiating before filing.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/ HC	Tack	Negotiating before filing.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Murphy	Negotiating before filing.
12/09/02	Carleton Transport Service, Inc.	3	Order/Penalty	WW/ HC	Murphy	2/28/03 – Settled. Awaiting penalty payment.
12/26/02	ADM	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/09/03	Michael Coady; Silver Lake Finishing	2	Order/Penalty	AFO	Tack	Negotiating before filing.
1/13/03	Merrell Butler	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Glen Samuelson	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Butler Custom Pumping; Robert Butler	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Langman Construction; Charles Langman	5	Order/Penalty	WW	Murphy	Negotiating before filing.
1/13/03	C. J. Moyna & Sons, Inc.; John P. Moyna	5	Order/Penalty	WW	Murphy	Negotiating before filing.
1/14/03	Monsanto	2	Order/Penalty	AQ	Preziosi	Negotiating before filing.

1/21/03	Donald Kurtenbach	1	Order/Penalty	AFO	Tack	Settlement meeting set for 3/10/03.
1/24/03	Kuntz Farms, Inc.	6	Order/Penalty	AFO	Clark	Negotiating before filing.
1/27/03	Larry Whitehead	4	Order/Penalty	UT	Wornson	Compliance completed except for penalty.
1/27/03	Harold Selim	4	Order/Penalty	AFO	Clark	2/17/03 - Settled. Payment plan established. First payment received 2/25/03.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	Negotiating before filing.
1/29/03	Ankeny, City of	5	Order/Penalty	WW	Hansen	Negotiating before filing.
1/31/03	DIWAN, L.L.C.	6	Order/Penalty	UT	Wornson	New case.
2/05/03	Landfill of Des Moines, Inc.	5	Order/Penalty	SW	Tack	New case. Hearing set for 4/15/03.
2/06/03	Interstate Grain, Inc.	2	Order/Penalty	AQ	Book	New case.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	New case.
2/11/03	Cass County; Cass County Engineer	4	Order/Penalty	AQ	Book	New case.
2/14/03	United Suppliers, Inc.	5	Permit Conditions	WW	Hansen	New case.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	New case.
2/28/03	Ankeny, City of	5	Permit Conditions	WS	Hansen	New case.

Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes

During the period February 1, 2003 through February, 2003, 4 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '02	5(9)	1.4	.0291	4	0(0)
November '02	3(4)	1	0.00833	2	0(0)
December '02	4(3)	1	.06875	0	0(0)
January '03	3(4)	2	.8625	0	0(0)
February '03	4(5)	0.8	0.016	2	0(0)
March '03					
April '03					
May '03					
June '03					
July '03					
August '03					
September '03					

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	0	1	2	0	0

Kelly Tobin asked about the Tama Beef case.

Mike Murphy said that Tama Beef is in bankruptcy and we're watching it. The waste water issue is not an ongoing problem. We made sure that was dealt with. Someone did buy them out..

Wayne Giseleman said that West Central Cooperative involves an air quality permit that we denied, but we are continuing to work with them. The legislature stated an interest in the Granvillo situation. We are going to compose a rule making process on how we reclassify and redesignate stream breeches. We are heading in the direction of issuing the permit and retaining the right to come back and changing the discharge requirement from this waste water treatment plant. We need to clarify and put into rule making form how we actually redesignate and reclassify these stream breeches. There are arguments that we shouldn't have done this after the fact and should not have done it that way. We're going to be issuing permit on that. Otherwise we will end up in the same situation we got at Postville where we got sued because we did not issue the permit within the statutory six months time. The permit we issue for Garnavillo will retain our ability to come back and change the discharge frame period based on the classification of what the stream breech is.

Valerie Drew mentioned that the Concrete Canons Alliance project for the tires. These had a lot of detail in their first report about a year and a half ago. The tires are going to be built with sort of a sand, soil and concrete mixture. It sounds like the ones on the bottom are going to be completely filled with concrete so when they build them all up and bolt them all together, those will be the anchor. This is cheaper than going with steel.

INFORMATIONAL ONLY

GENERAL DISCUSSION

Janice Boekhoff briefed the Commission on how the beach program has come along. The beach monitoring started with DNR parks monitoring twelve beaches for *E. coli* in 1999. The ambient water program took over beach monitoring in 2000. We started with 31 state owned beaches. We monitor for fecal coliform, *E. coli* and enterococci. Three indicator bacteria. Those are not pathogens which are what will make you sick, they just indicate the presence of the pathogens. We have monitored for these weekly over 2000, 2001 and 2002. We intend to do this for 2003 also. In 2000, we didn't have a beach policy we were just monitoring and taking a look at what was out there. In 2001 we decided to put together a beach closure policy where we were closing beaches based on fecal coliform and *E. coli* levels. We also used one time standards for warnings. So the closure was based on a geometric mean for fecal coliform and *E. coli*. The warnings were based on a one time standard. In 2002, we had a beach policy committee form and we included the Iowa Department of Public Health and the University hygienic lab to get some more feedback and also some other parts of the DNR. This way we will get a lot of feedback on what our beach policy should actually be. What we came up with last year was that closures were just not very reflective of the use of the beach. We felt that when you close the beach you close it to other activities that probably weren't very dangerous; such as volleyball and sun bathing. We also decided that if you were going in from just your waist down and you

didn't have any open sores that you were probably just fine wading in the water. So we felt for those reasons that the public should decide on their own. So we decide not to close the beaches, but we did put up signs that said a water quality standard has been exceeded. In 2002, we put up warning signs when a beach exceeded the Iowa State Water Quality standard and that was just for the geometric mean. We didn't use a one time standard at all. Also in 2002, we changed our manner for collecting samples as well. Before they would go out to their waist and take a grab sample. We felt that wasn't reflective of what was going on in the whole body of water. So with the help of UHL we now take nine samples from different areas – the two ends of the beach and the middle transect and the ankle zone, knee zone and chest zone and composite that all into one sample. So we just warned and didn't close anything. The things we've decided on for this year is that we will still have the monitoring season from April 15 to October 31 and then we still want to use UHL employees to take samples. We felt it was good that we had non-biased people taking the samples at the beaches. The thing we're not sure about is the one time high standard. That was not in the Iowa State Water Quality standard previously and is in the new *E. coli* regulations. Our problem is that when we go out and take samples on Tuesday the results are back to us on Friday. Daily the beach water changes, the bacterial levels are not the same day to day. The weather does effect the water. Rain water does increase the bacteria levels, but at other parks it's not effected. The sun's UV rays also kill off bacteria. We post about a couple signs at each park. The geometric mean is taking five samples, multiplying them and take the fifth root of them. It's just a way of calculating the average that minimizes the one time high results. The UHL and the Department of Public Health does not feel that the one time standard is very protective. This information can be found on the website of the DNR. There were about 16 beaches that had a one time high out of 35. This is only including state owned beaches. We have several projects on source tracking and trying to identify the source of the problem.

Wayne Gieselman said that there are about 87 counties signed up for the Matrix by the end of February. The counties that are colored in red have passed and the ones in white did not. This can be found on the DNR website. We will have the intended Ambient Air standards for the next Commission meeting.

Gary Priebe asked what the director's discretion is and what that all includes.

Wayne Gieselman said that 2293 the hog lot bill from last year had some language in it that the legislature felt gave the director more discretion as he looked at permit applications for livestock facilities. Our reading of that language is not quite the same as the legislature because it pretty well still defines we have to have a very closely defined set of criteria when the director can say no or oppose additional requirements beyond the law. Mostly in land application practices we have some requirements for buffer strips along the streams. The buffer strips seem very logical to me. First of all the farmers get paid to have buffer strips so it's not taking land out of production. We're trying to put together some language that will satisfy our needs and satisfy the legislature's intent here as to whether it gives us discretion or not. We haven't been able to get it to the middle ground. We don't want to over step our boundaries. We are intending to have something for the Commission by next month. We're not proposing to give Jeff enough authority to deny permits and all the legal requirements that are involved. We had an administrative rules committee hearing and the argument was that we had over stepped our boundary on the matrix. The members of that committee were contemplating filing an objection to the rule; which

wouldn't have stopped the matrix rule from going into effect. The implication was that then if the matrix was ever challenged legally it would change the burden approved from the applicant or whoever challenged it. But the legislature and committee members did not file that objection we had a whole variety of groups presenting their testimonies including three or four of the people that actually sat on the matrix committee. One of them is now an elected legislator. We had supporters from all sides on that. The administrative rule still can file an objection to that rule anytime they want to or when they get their six votes.

Kelly Tobin said that he sees more violations on the manure management plans. Who's policing it?

Wayne Gieselman said that it's going to be a long process. We have requested some information from some counties to help us find where confinement facilities are and track through our records and see whether they're manure management plans or not. In some of our counties we would find 16 facilities out there that haven't even filled manure management plans. People that have had that happened to them are not large scale farmers it's going to be the independent producer who's not going to spend the money on that. We are going county by county and making sure that we have everybody. Audubon county is having quite a few problems. This involves a facility that was in with permit applications to us and wasn't able to get his manure management plan approved. March 1st was going to come and the new requirements under the 2293 rule were going to kick in and he wasn't going to be able to meet the separation distances at that point. So he withdrew his permit applications and is now building on each of those sites a one building complex that doesn't require a construction permit. Under the provisions of 2293 if you have a building there or start a construction by March 1, then you can expand that site later on down the road. Any expansion would have to go through the matrix and permitting process.

Lisa Davis Cook asked if there was any way we could find out why or for what reason the counties that did not pass the construction resolutions.

Wayne Gieselman said that he wasn't sure. Lee County does not have many confinement facilities and I don't think they felt a great need.

Gary Priebe said that Kossuth county didn't pass because the supervisor felt it didn't gain them anything by doing it versus something that they couldn't already do.

NEXT MEETING ITEMS

Ambient Air Standards
Director's Discretion
Legislative Update

Our May 19th Commission meeting will be held in Waterloo at the John Deere Plant with a tour to follow on the 20th.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Vice Chairperson Gary Priebe adjourned the meeting at 12:00 p.m., Monday, March 17, 2003.

Jeffrey R. Vonk, Director

Kathryn Murphy, Chair

Rita Venner, Secretary

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